

Exhibit O

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

.....
BARBARA E. VARNER,
Plaintiff,

vs.

COMMONWEALTH OF PENNSYLVANIA,
NINTH JUDICIAL DISTRICT,
CUMBERLAND COUNTY; CUMBERLAND
COUNTY; S. GARETH GRAHAM,
Individually, and JOSEPH
OSENKARSKI, individually,
Defendants.
.....

CIVIL ACTION
NO. 1:CV 01-0725

(JUDGE YVETTE KANE)

Deposition of: HON. GEORGE E. HOFFER

Taken by : Defendant Cumberland County Court

Date : April 4, 2003, 1:46 p.m.

Before : Emily Clark, RMR, Reporter-Notary

Place : Cumberland County Courthouse
One Courthouse Square
Carlisle, Pennsylvania

APPEARANCES:

DEBRA K. WALLET, ESQUIRE
For - Plaintiff

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
BY: A. TAYLOR WILLIAMS, ESQUIRE
For - Defendant Commonwealth of Pennsylvania
Ninth Judicial District, Cumberland County

THOMAS, THOMAS & HAFFER
BY: JAMES K. THOMAS, II, ESQUIRE
PAUL J. DELLASEGA, ESQUIRE
For - Defendant Cumberland County

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1 Q Would you have treated Mr. Graham differently if you
2 felt there had not been adultery and he had simply been
3 a pure sexual harasser?

4 MS. WALLET: Objection to the form of the question.
5 I don't think that this witness ever admitted that he
6 considered this to have been an adulterous relationship.

7 THE WITNESS: It is incorrect for a supervisor to
8 have any kind of affair with a person that he or she is
9 supervising. Absolutely wrong, consensual or otherwise.
10 So what's your question?

11 BY MR. DELLASEGA:

12 Q The reason that you just articulated the me, that it
13 is incorrect for a supervisor to engage in adultery with
14 an employee --

15 A. Or any kind of relationship, sexual.

16 Q Is that the reason why you demoted Mr. Graham in
17 addition to his management deficiencies?

18 A. That was part of it.

19 Q What was the --

20 A. The relationship, yes.

21 Q What was the other part of it, judge?

22 A. I had lost my confidence in his ability to be a
23 supervisor.

24 Q And when you say that, Judge, are you referring to his
25 management skills?